

REMARKS

Reconsideration of the application is respectfully requested.

Upon entry of the foregoing amendments, claims 1-10 are pending in the application, with claim 1 being the sole independent claim. New claims 9 and 10 have been added.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

The Applicant kindly thanks the Examiner for the personal interview conducted at the U.S. Patent and Trademark Office on March 5, 2004. During the interview, the Examiner agreed to withdraw the rejection of claims 1, 3, and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,758 to Krug and U.S. Patent No. 6,230,174 to Berger based on the claims as originally filed. Further, the Examiner indicated that amending claim 1 to further define the marking feature of claim 1 or to include the feature of performing a coordinate comparison in claim 1 would be acceptable to overcome the rejection of claims 1, 3, and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,272,230 to Hiraoglu and U.S. Patent No. 5,838,758 to Krug. Initially, Applicant's Representative preliminarily agreed to amend claim 1 to further define the marking feature of claim 1. However, after consulting with the Applicant, the Applicant has chosen instead to include the feature of performing a coordinate comparison in claim 1, and the claims are amended accordingly.

The Office Action on pages 2-4, in sections 3-4, rejects claims 1, 3, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,272,230 to Hiraoglu and U.S. Patent No. 5,838,758 to Krug. Based on the above amendments and the following remarks, Applicant respectfully traverses this rejection.

The Office Action asserts that Hiraoglu teaches all of the features of claim 1 except the concept of determining a ration of an overlapping area of two adjoining individual markings to the

total area of at least one of the two adjoining markings. To overcome this deficiency, the Office Action asserts that Krug teaches a method of processing X-ray images that determines a ratio of overlapping area of adjoining individual markings. The Office Action then states that it would have been obvious to one of ordinary skill in the art to modify Hiraoglu according to Krug.

As per amended claim 1, the Office Action fails to establish a *prima facie* case of obviousness because the combination of Hiraoglu and Krug does not teach all features of claim 1. Amended claim 1 recites, in pertinent part, performing a coordinate comparison to identify mutually facing sides of two adjoining individual markings. The combination of Hiraoglu and Krug does not teach this feature. Instead, Hiraoglu teaches a baggage scanning system and method to transilluminate objects to make them visible. See, Hiraoglu, col. 6, lines 25-32. The method of Hiraoglu includes marking a regions of interest with a boundary box (col. 22, lines 60-64) and merging individual regions that are close to each other. See, Hiraoglu, col. 9, lines 45-62. As recognized by the Office Action, Hiraoglu does not teach determining a ratio of an overlapping area of said two adjoining individual markings to the total area of at least one of said two adjoining individual markings.

To overcome this deficiency, the Office Action asserts that Krug teaches a means for providing p-values that represent attenuation characteristics of various overlying materials. See, Krug, col. 4, lines 13-31. Krug, however, does not teach performing a coordinate comparison to identify mutually facing sides of two adjoining individual markings. Hence, because the cited references, alone or in combination, do not teach all of the features of amended claim 1, the Office Action fails to establish a *prima facie* case of obviousness.

Claims 2-3, and 7-8 depend from claim 1 and are allowable as being dependent from an allowable claim. In view of the above, it is respectfully requested that this rejection be withdrawn.

The Office Action on pages 5-7, in sections 6-7, rejects claims 1, 3, and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,758 to Krug and U.S. Patent No. 6,230,174 to Berger. As discussed during the interview, the Examiner agreed to withdraw this

rejection because Berger is a non-analogous reference and the combination of Krug and Berger is improper. Because the Examiner has agreed to withdraw this rejection, Applicant does not believe that a further response to this rejection is necessary at the present time.

The Office Action on page 7, in section 7, states that claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because these claims are dependent from an allowable claim as discussed above, Applicant wishes to defer placing these claims in independent form at this time and respectfully requests that these claims be allowed.

New claims 9 and 10 depend from claim 1 and are allowable as being dependent from an allowable claim.

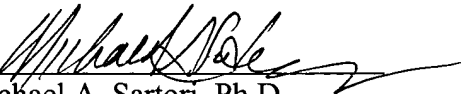
CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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